

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25343 of 2004

Between:

Anam Papaiah, S/o. Balaiah,
President of Kotapalli Fishermen Cooperative Society (under removal)

Kotapalli, Peddamul (M) R.R. District

..... PETITIONER

AND

1. The Assistant Director of Fisheries/ Ex. Officio Dy. Registrar of Cooperative Societies, R.R. District.
2. The Fishermen Cooperative Society Kotapalli (V) Peddamul (M) of Ranga Reddy District rep. by its Vice-President.
3. The Secretary, A.P. Cooperative Tribunal, Chandravihar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus calling the impugned order of the respondent No. 1 passed in his proceeding No. 510/B/2003 dated 29-11-2004 and the subsequent order dated 21-12-2004 passed in I.A.No. 1547/2004 in C.T.A. No. 306/2004 on the file of the A.P. Cooperative Tribunal at Hyderabad dismissing the application as illegal, arbitrary, unjust and violative of Provisions of A.P. Cooperative Societies Act, 1964, besides being violative of principles of natural justice; while issuing a consequential direction to the respondents to restore the petitioner to the post of President of the Fishermen Cooperative Society, Kotapalli, Peddamul(M) of Rangareddy District with all attendant benefits in the interest of justice.

Counsel for the Petitioner:MR.D.GOVARDHANACHARY

Counsel for the Respondent Nos.1 and 3: GP FOR FISHERIES

Counsel for the Respondent No.2:None appeared

The Court at the admission stage made the following Order:

By proceedings dated 29.11.2004, the first respondent removed the petitioner from the post of President of the Fishermen Co-operative Society under Section 21-A (d) of the A.P. Co-operative Societies Act, 1964. Challenging the same, the petitioner filed CTA.No.306 of 2004 before the A.P. Co-operative Tribunal, Hyderabad along with I.A.No.1547 of 2004 seeking suspension of the proceedings dated 29.11.2004. As the proceedings under challenge do not suffer from any illegalities, the Tribunal refused to suspend the proceedings dated 29.11.2004. Hence the writ petition.

The petitioner was already removed from the post of President by proceedings dated 29.11.2004. The impugned order dated 21.12.2004 passed by the Tribunal in I.A.No.1547 of 2004 in CTA.No.306 of 2004 does not suffer from any illegalities warranting interference of this Court.

Hence the writ petition is disposed of with a direction to the third respondent to dispose of the CTA.No.306 of 2004 within a period of two months from the date of receipt of a copy of this order in accordance with law.

18.01.2005

Note:CC in two days

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To

1. The Assistant Director of Fisheries/ Ex. Officio Dy. Registrar of Cooperative Societies, R.R. District.
2. The Fishermen Cooperative Society Kotapalli (V) Peddamul (M) of Ranga Reddy District rep. by its Vice-President.
3. The Secretary, A.P. Cooperative Tribunal, Chandravihar, Hyderabad.
4. Two CCs to G.P. for Fisheries, A.P.High Court Buildings, Hyderabad (OUT).
5. Two CD copies.